

Chapter 58

DEMOLITION DELAY FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE ORDINANCE

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58- 1. Purpose.

The purpose of this ordinance is to preserve and protect, through advance notice of their proposed demolition, significant buildings within the Town of Greenfield which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the Town, to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate, or restore such buildings rather than demolish them, to alert residents of the town to impending demolitions of significant buildings, and by furthering these purposes to promote the public welfare, to preserve the resources of the Town, and to make the Town a more attractive and desirable place in which to live. To achieve these purposes, the Greenfield Historical Commission is empowered to advise the Greenfield Inspector of Buildings with respect to the issuance of permits involving demolition, and the issuance of demolition permits for significant buildings is regulated as provided in this Ordinance.

58-2. Definitions.

APPLICATION - An application for a permit involving demolition, as defined in this ordinance, of a Significant Building on the Historic Inventory. Every application shall include the address of the building to be demolished, the owner's name, address and telephone number, photographs of all sides of the building visible from a public way taken within the past year, plans, a narrative description of the building and justification of the proposed demolition, and a brief description of the proposed reuse, reconstruction or replacement

BUILDING - Any combination of materials capable of providing shelter for persons, animals or property.

COMMISSION – The Greenfield Historical Commission

DEMOLITION PERMIT – A permit issued by the Inspector of Buildings under the State Building Code for the demolition of a building or structure.

DEMOLITION – Any act of pulling down, destroying, removing or razing a structure or portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.

SIGNIFICANT BUILDING: (a) Any building or structure individually listed on the National Register of Historic Places or (b) any building or structure evaluated by Massachusetts Historical Commission to be a contributing building within a National Register or State Register District or (c) any building or structure which has been certified by the Massachusetts Historical Commission to meet eligibility requirements for individual listing on the National Register of Historical Buildings or (d) a building submitted by the Commission to the Town Council, and approved by the Town Council, that contributes to the Historical or Architectural heritage or resources of the town in accordance with the Standards for designation as a significant building.

INSPECTOR OF BUILDINGS: The administrative chief of the building department in a municipality who is charged with the administration and enforcement of 780 CMR Massachusetts State Building Code.

58-3. Preferably-Preserved Significant Building.

Any Significant Building which the Greenfield Historical Commission determines, after a public hearing, is in the public interest to be preserved or rehabilitated rather than to be demolished. A Preferably Preserved Significant Building is subject to the six month delay period of this ordinance.

A. The Greenfield Historical Commission shall determine that a structure be designated as a significant structure if it meets one or more of the following criteria:

- (1) It is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register, or;
- (2) The Greenfield Historical Commission determines that the structure meets one or more of the following three criteria:
 - (a) Historical Importance. The structure meets the criteria of historical importance if it:
 - (i) Has character, interest or value as part of the development, heritage or cultural characteristics of the City of the Town of Greenfield, the Commonwealth of Massachusetts or the nation, or;
 - (ii) Is the site of a historic event, or;
 - (iii) Is identified with a person or group of persons who had some influence on society, or;
 - (iv) Exemplifies the cultural, political, economic, social or historic heritage of the community.

B. Architectural Importance. The structure meets the criteria of architectural importance if it:

- (1) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style, or;
- (2) Embodies those distinguishing characteristics of an architectural type, or;
- (3) Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town, or;
- (4) Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

C. Geographic Importance. The structure meets the criteria of geographic importance if:

- (1) The site is part of, or related to, a square, park, or other distinctive area, or;
- (2) The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, or the community as a whole.

58-4. Procedure

- A. The Inspector of Buildings, on the day of receipt of an application for demolition of a listed significant building or within seven (7) days, shall cause a copy of each such permit application to be forwarded to (or shall satisfy himself that a duplicate of such application has been submitted to) the Greenfield Historical Commission. No demolition permit shall be issued at that time, unless the Inspector of Buildings deems the building is in need of emergency demolition and the Emergency Demolition provisions of this ordinance have been met. The Greenfield Historical Commission may make preliminary determinations of significance for discussion with the Building Inspector.
- B. The Greenfield Historical Commission shall hold a public hearing within forty-five (45) days of receiving a copy of such application, and shall give public notice thereof by publishing notice of time, place, and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing. The Greenfield Historical Commission shall mail a copy of said notice to the applicant and shall, at least seven (7) days prior to said hearing, notify the Inspector of Buildings, Department of Public Works, Planning Department, Planning Board, Zoning Board of Appeals, Conservation Commission and such other

persons as the Greenfield Historical Commission shall deem entitled to notice. The applicant shall notify all abutting land owners as they appear on the most recent local tax list no later than seven (7) days prior to said hearing.

- C. If, after such hearing, the Greenfield Historical Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Greenfield Historical Commission shall so notify the Inspector of Buildings and Mayor within seven (7) days of such determination. Upon receipt of such notification, or after the expiration of twenty-one (21) days from the date of the close of the public hearing, if he has not received notification from the Greenfield Historical Commission, the Inspector of Buildings may, subject to the requirements of the State Building Code and any other applicable laws, ordinances, rules and regulations, issue the demolition permit.
- D. If the Greenfield Historical Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a Preferably-Preserved Significant Building. The Greenfield Historical Commission's determination remains in effect for six (6) months from the date of decision. Upon a determination by the Greenfield Historical Commission that the Significant Building which is the subject of the application for a demolition permit is a Preferably-Preserved Significant Building, the Greenfield Historical Commission shall, within seven (7) days, so advise the applicant by registered mail, and the Inspector of Buildings, and no demolition permit may be issued until at least six (6) months after the date of designation as a Preferably Preserved Significant Building. The applicant shall, upon notice of said designation, secure the building or site against vandalism, fire or other destruction and post a copy of said Designation on the building in a place visible from the nearest public way. The applicant shall give reasonable access to the building or site to the Greenfield Historical Commission and to parties interested in preserving it.
- E. Notwithstanding the preceding section, the Inspector of Buildings may issue a demolition permit for a Preferably-Preserved Significant Building at any time after receipt of written advice from the Greenfield Historical Commission to the effect that either:
 - (1) The Greenfield Historical Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
 - (2) The Greenfield Historical Commission is satisfied that for at least six months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful. This may be extended an additional six months upon recommendation of the Greenfield Historical Commission and a majority vote of the Town Council.

§ 58-5. Emergency Demolition.

Nothing in this article shall be construed to derogate in any way from the authority of the Inspector of Buildings derived from Massachusetts General Laws Chapter 143. However, before acting pursuant to this chapter the Inspector of Buildings shall provide the Greenfield Historical Commission with a memorandum describing the condition of the building and the basis for his decision.

- A. If a building poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Inspector of Buildings.
- B. Upon receipt of any application for an emergency demolition permit, the Inspector of Buildings shall within five (5) days transmit a copy thereof to the Greenfield Historical Commission.
- C. As soon as is practicable, but within 14 days after receipt of such an application, the Inspector of Buildings shall inspect the building with an inspection team consisting of the Inspector of Buildings, Town Engineer, Fire Chief, Greenfield Historical Commission Chair and two (2) other members of the Greenfield Historical Commission selected by the Chair, or the designees of said officials.
- D. Within 5 days after inspection of the building and after consultation with other members of the inspection team, the Inspector of Buildings shall determine:
 - (3) Whether the condition of the building or structure represents a serious and imminent threat to public health and safety, and;
 - (4) Whether there is any reasonable alternative to the immediate demolition of the building which would protect public health and safety.

- E. If the Inspector of Buildings finds:
- (1) That the condition of the building or structure poses a serious and imminent threat to public health and safety, and;
 - (2) That there is no reasonable alternative to the immediate demolition of the building or structure, then the Inspector of Buildings may issue an emergency demolition permit to the owner of the building.
- F. If the Inspector of Buildings finds:
- (1) That the condition of the building does not pose a serious and imminent threat to public health and safety, and/or;
 - (2) That there are reasonable alternatives to the immediate demolition of the building which would protect public health and safety, then the Inspector of Buildings may refuse to issue an emergency demolition permit to the owner of the building or structure.
- G. Upon issuing an emergency demolition permit under the provisions of this section, the Inspector of Buildings shall submit a brief written report to the Greenfield Historical Commission describing the condition of the building and the basis for his/her decision to issue an emergency demolition permit. Nothing in this section shall be inconsistent with the procedure for the demolition and/or securing of buildings and structures established by M.G.L. Chapter 143, Sections 6-10.

58-6. Enforcement and Remedies.

The Inspector of Buildings is specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the provisions of this ordinance or to prevent a threatened violation thereof.

- A. No permit for erection of a new structure on the site of an existing Preferably-Preserved Significant building may be issued prior to issuance of a permit for demolition of such existing building.
- B. No permit for erection of a new building, paving of drives or for parking shall be issued for one (1) year from the commencement of such work if a structure is demolished in violation of this ordinance.
- C. Any owner of a building and/or structure subject to this ordinance who knowingly acts to demolish said building and/or structure, or damage a portion of a building or structure in a way which increases its likelihood of total failure, without first obtaining a building permit for demolition in accordance with the provisions of this ordinance, or who like wise by some causative action contributes to the deterioration of said building or structure during the demolition review period, shall be in violation of this ordinance and subject to enforcement by a non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D, as amended.
- D. Notwithstanding the provisions of Section 11.45, the fine for any such violation shall be three hundred dollars (\$300.00) for each offense. Each day the violation exists shall constitute a separate offense until the demolished building is rebuilt or re-created as directed by the Greenfield Historical Commission, or unless otherwise agreed to by the Greenfield Historical Commission.

58-7. Historic Districts Act:

If any provision of this ordinance conflict with Massachusetts General Laws Chapter 40C, the Historic District Act, that Act shall prevail.

58-8. Severability:

If any section, paragraph or part of this Ordinance is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.